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EXAMINER
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PRIORITY	
ART UNIT	PAPER NUMBER

2624  
DATE MAILED:

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03/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/033,585

Applicant(s)  
Takeyuki Nagashima

Examiner  
King Y. Poon

Group Art Unit  
2624



☒ Responsive to communication(s) filed on Jan 17, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-15 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Thieret et al (5923834).

Regarding claims 1, 12: Thieret teaches an image processing apparatus (fig.1) comprising: a communicator (specific interface of control supervisor 112, column 5 line 11-12) for performing two-way communications (see communicate with each other, column 5 line 1-14) with an image output unit (subsystem 113, fig. 2, and its controller 115 column 5 line 1-15, and column 7 line 10-20) that includes an update unit (optical sensor of column 6 line 5-25) for updating condition information (the values of set point of TRC curve to be used to determine and set the performance of the TRC (condition) of column 6 line 5-30) indicating a condition of the image output unit and a memory (level 2 controller of column 6 line 25-60) for storing the condition information, (performance of TRC curve, column 6 line 25-30) wherein the condition information is obtained by forming color patches and measuring colors on the color patches; (test

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patches of column 5, line 15-35, column 6 line 5-25) an input unit (user interface of column 5 line 65-67) for inputting an image output instruction; (the input data (instruction) that indicates what a customer desires to be output, column 5 line 65-67); an acquisition unit (the part of supervisor 112 that receives the sent performance parameter recommendations (condition) from level 2 controller, column 6 line 25-30) for acquiring the condition information stored in the image output unit by utilizing the two-way communications, in response to the image output instruction; (column 6 line 1-25) and an image processor (IPS of column 3 line 18-25, column 4 line 48-50) for performing image processing of image data in accordance with the condition information acquired by the acquisition unit.

Regarding claim 2: Thieret teaches that the apparatus according to claim 1, wherein the image output unit comprises: an engine unit; (see marking engine of column 4 line 30-45) a condition acquisition unit (optical sensor, column 6 line 5-26) for automatically acquiring the condition information in accordance with a change in status (TRC curve of IOT, column 6) of the engine unit; and a storage unit (level 2 controller of column 6 line 1-60) for storing the acquired condition information.

Regarding claim 3: Thieret teaches that the apparatus according to claim 1, wherein the condition information is a measurement result of a plurality of patches output by the image output unit. (See test patches, column 6 line 5-25)

Regarding claim 4: Thieret teaches that the apparatus according to claim 1, wherein the image processor converts image data into multi-valued data (see colorimetric coordinate of

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column 6 line 5-27) corresponding to a type of a recording medium (see plain paper, column 4 line 10-25) used in the image output unit, and performs image processing (see the correction function of column 7 line 1-10) in accordance with the condition information.

Regarding claim 5: Thieret teaches that the apparatus according to claim 4, wherein the image processor quantizes the image data which has undergone the image processing in accordance with the condition information. ( column 1 line 55-60, and column 2 line 10-15 of U.S. patent 5471313, teaches to represent image data (density) by using of print dots. The value of print dots, (1, 2, 3 . . . ) is a quantized value.)

Note: Thieret in column 5 line 25-35 incorporate U.S. patent 5471313 in explaining the details of the control architecture discussed in reference.

Regarding claim 6: Thieret teaches that the apparatus according to claim 1, further comprising: a user interface (column 5 line 65-67) for setting whether or not the image processing is done in accordance with the condition information. (column 6 line 1-5)

Regarding claims 7, 13: Thieret teaches an image processing apparatus (level 2 server of column 11 line 42-60) connected, via a communication network, (fig. 6) with a host computer (column 1 line 10-31, level 3 server of column 11 line 60-67) and a plurality of image output units, (machine 1, 2, 3 of fig. 6) each image output unit having a function (see the function of the optical sensor of column 6 line 5-25) of updating condition information of the image output unit, (column 9 line 30-31) the apparatus comprising: an input unit (communication interface of column 7 line 34-45) for inputting the condition information updated by the plurality of image

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output units; a memory (column 8 line 59-65) for storing the inputted condition information in association with each of the plurality of image output units; a transmitter (communication interface of column 7 line 34-47) for transmitting the stored condition information to the host computer in accordance with a request (see user initiated request, column 1 line 10-30) for acquiring the condition information issued by the host computer; and a management unit (see the data base for job scheduling, column 9 line 30-40) for managing an image output job of the host computer, (see job routing of column 10 line 55-65) wherein the condition information is obtained by forming color patches and measuring colors on the color patches. (See column 6 line 5-26)

Regarding claim 8: Thieret teaches that the apparatus according to claim 7, further comprising: a second management unit for managing an image output job for an image output unit. (the part of data base used for print queues management, column 9 line 30-39)

Regarding claim 9: Thieret teaches that the apparatus according to claim 7, wherein the image output unit comprises: an engine unit; (see marking engine of column 4 line 30-45) a condition acquisition unit (optical sensor, column 6 line 5-26) for automatically acquiring the condition information in accordance with a change in status (TRC curve of IOT, column 6) of the engine unit; and a memory (level 2 sensor of column 6 line 25-60) for storing the acquired condition information.

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Regarding claim 10: Thieret teaches that the apparatus according to claim 7, further comprising: a user interface (user notification, column 9 line 35-40) for setting whether or not the image processing is done in accordance with the condition information. (Column 9 line 37-39)

Regarding claim 11: Thieret teaches an image processing method (column 6) for performing image processing in a network system (220 of fig. 5) to which an image output apparatus, (machine 222 of fig. 5) a server, (218 of fig. 5) and a network terminal (control 224, and user interface of column 5 line 65-67 of the control, column 4 line 30-47) are connected, the method comprising: in the image output apparatus: a condition measurement function (the function of optical sensor of column 6 line 5-25) of updating condition information (column 9 line 30-31) by forming color patches and measuring colors on the color patches; (column 6 line 5-25) and a notification function (see the passing of sensed data to the servers of fig. 5, column 7 line 39-41) of notifying the server of the updated condition information, (column 9 line 30-31) in the server: a storage function (column 8 line 59-67) of storing the updated condition information notified from the image output apparatus in correspondence with a type of the image output apparatus; (column 10 line 4-7) and a management function of managing an image output job, (see queues management and job scheduling, column 9 line 30-40) and in the network terminal: an input function (column 5 line 65-67, column 6 line 1-5) job to machine of column 9 line 30-40) of inputting an image output instruction (image output desired by the user, column 6 line 1) of a user; an acquisition function (column 6 line 5-25) of acquiring the updated condition information stored in the server (see the updated condition of column 6 line 5-25 is the same

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updated information that is stored in the server, column 7 line 43-55) in response to the image output instruction; (see column 6 line 1-30) and an image processing function (column 6 line 25-60) of performing image processing using an image processing condition in accordance with the updated condition information.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thieret and Bapat.

Regarding claims 14, 15: Thieret has disclosed all of the claim limitations as recited in claims 1, 7, 12, 13 except the use of a computer readable medium for storing a program to control the operation of the apparatus (computer) of claims 1, and 7.

Bapat, in the same area of using a computer to control the flow of data, teaches to use a computer readable medium (ROM) for storing a program to control the operation of a computer.

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified the computer system of Thieret by using a ROM for storing a program to control the operation of the computer of Thieret, as taught by Bapat. A ROM is highly reliable and



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would have provided optimal performance for program execution for the program of the computer system of Thieret.

REMARKS

5. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. Please see office action

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892 or to Supervisor Mr. David Moore whose phone number is (703) 308-7452.

March 22, 2001



DAVID MOORE  
SUPERVISORY PATENT EXAMINER  
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